



Authority Board Meeting **MINUTES**

MEETING DATE: September 18, 2013

MEMBERS PRESENT: Janet Abelson, Newell Arnerich, Tom Butt, Federal Glover, Wade Harper, Dave Hudson, Karen Mitchoff, Julie Pierce, Kevin Romick, Don Tatzin

Ex-Officio Representative: Myrna de Vera, Gail Murray (Alternate for Joel Keller), Amy Worth

STAFF PRESENT: Randell Iwasaki, Amin AbuAmara, Brad Beck, Randall Carlton, Ross Chittenden, Peter Engel, Martin Engelmann, Jack Hall, Brian Kelleher, Matt Kelly, Hisham Noeimi, Ivan Ramirez, Linsey Willis, Chris Diaz for Mala Subramanian (Authority Counsel), Danice Rosenbohm (Executive Secretary)

MINUTES PREPARED BY: Danice Rosenbohm

A. CONVENE MEETING: *Chair Abelson* convened the meeting at 6:06 p.m.

B. PLEDGE OF ALLEGIANCE:

C. PUBLIC COMMENT:

Ralph Hoffmann, Walnut Creek resident, member of Contra Costa County's Advisory Council on Aging (CCC-ACOA) and member of the County's Senior Mobility Action Council (SMAC), stated that Peter Engel, CCTA's Program Manager, would be making a presentation at the September 23rd SMAC meeting. He invited Mr. Engel (or his designate) to become a regular voting member of SMAC, which meets on the 4th Monday of each month from 9:00 – 11:00 a.m. at 40 Douglas Drive in Martinez.

1.0 APPROVAL OF MINUTES: Authority Minutes of July 17, 2013.

ACTION: Commissioner Pierce moved to approve the Minutes of July 17, 2013, seconded by Commissioner Romick. The motion passed, 7-0-2, with Alternates Harper and Tatzin abstaining. Commissioner Arnerich had not yet arrived.

2.0 CONSENT CALENDAR: Consent Items recommended by the following committees:

Commissioner Arnerich arrived at 6:10 p.m.

Chair Abelson said that staff wanted to comment on Agenda Item 2.A.5 (Listing of Contract Change Orders (CCOs) Greater than \$25,000), for a clarification related to Authority policy.

ACTION: Commissioner Pierce moved to approve the entire Consent Calendar including Agenda Item 2.A.5, seconded by *Commissioner Mitchoff*. The motion passed unanimously, 10-0.

DISCUSSION: Ross Chittenden, Deputy Executive Director for Projects, said that staff routinely reports on construction CCOs that affect the Budget under the "Listing of Contract Change Orders" agenda item. Mr. Chittenden reviewed the following provisions of Authority's policy related to CCOs (as per the Construction Contract Administration Guide, which was adopted March 17, 1999): the Executive Director or his designee is authorized to approve CCOs with a value of up to \$50,000; CCOs that exceed \$50,000 and are less than \$100,000 may be approved by the Executive Director following consultation with the Chair; and CCOs with a value greater than \$100,000 may be approved by the Executive Director following consultation with two or more members of the Executive Committee. He explained that there had been several instances of change orders requiring approval following the Executive Director's consultation with the Chair or Executive Committee members over the past week. This, he said, could become more common as the Authority administers more construction contracts. Mr. Chittenden suggested that the Authority agendaize a policy discussion of the following options: (1) revise the policy to increase the CCO value limits; (2) revise the policy to base CCO value limits on a percentage of the total construction contract; or (3) keep policy with the existing CCO value limits.

Commissioner Pierce clarified that any CCOs approved by staff would be within the scope and funding already appropriated by the Authority for the contract. Mr. Chittenden concurred, and added that CCOs representing a change in scope would also be reported, and that any CCOs approved by staff would be within the contract's contingency allotment.

Commissioner Arnerich noted that, prior to staff's approval of a CCO, all details are carefully scrutinized to ensure that all costs are valid and reasonable before approving those within the \$50,000 limit. Mr. Chittenden added that all CCOs approved by staff were required to be within the project's approved budget, and that staff's comprehensive vetting process of CCOs concluded with a justification memo to file.

Randy Iwasaki suggested that possible CCOs, their scope and range of costs could be included in future Executive Director's reports, and then approved by the Authority following the report.

Mr. Iwasaki noted also that a large change order was needed to construct an additional bridge at Sand Creek for a cost of approximately \$6-7 million, which he would be discussing under Agenda Item 7.3 – Executive Director's Report.

2.A Administration & Projects Committee:

2.A.1 Monthly Project Status Report. Staff Contact: Ross Chittenden

2.A.2 Accept Monthly Accounts Payable Invoice Report for June and July 2013. The accompanying report provides a listing of invoices paid in alphabetical order by vendor or payee name for the months of June and July 2013. Staff Contact: Randall Carlton

2.A.3 Accept Quarterly Cash and Investment Report for the Period Ended June 30, 2013. The Authority's Investment Policy calls for a quarterly report on investment activity to be prepared and submitted to the Executive Director, APC, and the Authority Board. The accompanying report covers transactions from April 1 through June 30, 2013. Staff seeks acceptance of report. Staff Contact: Randall Carlton

2.A.4 Accept Quarterly Sales Tax Revenue Report for the Period Ended June 30, 2013. This report contains a summary of sales tax revenues, including analysis and comparisons against prior monthly and quarterly periods. Staff seeks acceptance of report. Staff Contact: Randall Carlton

2.A.5 Listing of Contract Change Orders (CCOs) Greater than \$25k for Construction Contracts Less than \$15M, and Greater than \$50k for Construction Contracts Larger than \$15M. CCOs are used during a project's construction phase to adjust the construction price to reflect agreed-upon changes in the plans, schedule, or in the working conditions that the contract was originally based upon. Authority policy requires that this list be submitted to the APC for information. Staff Contact: Ivan Ramirez

2.A.7 City of Pleasant Hill – Geary Road Widening – Phase 3 (Project 24007).

2.A.7.1 95% Design Peer Review. Staff recommends approval of the peer review committee recommendations regarding the 95% design plans for the Geary Road widening project (Phase 3). Staff Contact: Hisham Noeimi

2.A.7.2 Request for Measure J Appropriation for Construction. Staff recommends approval of The City of Pleasant Hill's request for an appropriation of \$7,876,000 for Construction of the Geary Road widening project (Phase 3). Staff seeks authorization for the Chair to execute **Resolution 13-43-P** in the amount of \$7,876,000. Staff Contact: Hisham Noeimi.

2.A.8 Updated Policies and Procedures for Locally Sponsored Measure J Projects – Guidelines for Local Agency Coordination. Staff recommends 1) approval of Resolution 13-38-P which consolidates Authority policies in regard to local agency coordination; 2) separating procedures for the delivery of locally sponsored Measure projects in a new document titled "Local Agency Coordination Guide (LACG);" 3) authorizing the Executive Director or his designee to update the LACG as needed. **Resolution 13-38-P.** Staff Contact: Hisham Noeimi

2.A.9 State Route 4 – Railroad Avenue to Loveridge Road (Project 1405).

2.A.9.1 Contract Acceptance and Closeout for Landscape Construction Contract No. 241. The Authority is currently administering the landscape construction contract for the State Route 4 widening segment from Railroad Avenue to Loveridge Road. The initial construction and landscape planting was completed in summer 2010 and the subsequent three-year Plant Establishment Period has ended. The work is 100% complete and the Authority's construction management staff has received concurrence from Watkin & Bortolussi, Inc, the contractor of record, on the total earned dollar amount for all work performed under construction Contract No. 241. Caltrans provided oversight of the construction work and has provided documentation of acceptance of the contract work. Consistent with the Authority's *Construction Contract Administration Guide*, staff is seeking approval to make the final progress payment to the contractor in the amount of \$6,419.60, approval to release the Retention funds to the contractor currently being held by the Authority in the amount of \$74,223.99, and formal acceptance of the project as complete to allow for contract closeout activities. **Resolution 13-36-P.** Staff Contact: Ivan Ramirez

2.A.9.2 Authorization to Execute Amendment No. 10 to Agreement No. 124 with Contra Costa County for Additional Right-of-Way Services. Staff is seeking authorization for the Chair to execute Amendment No. 10 to Agreement No. 124 with Contra Costa County in the amount of \$60,000

for additional Right-of-Way closeout services and property management of four excess project parcels. The excess property management services include the sale and disposal of the project remainder parcels. Staff Contact: Susan Miller

2.A.10 State Route 4 Widening – Somersville Road to SR 160 – Segment 2 (Project 1407/3001).

2.A.10.1 Authorization to Execute Amendment No. 5 to Agreement No. 271 with Jacobs Project Management Co. (Jacobs).

Staff is seeking authorization for the Chair to execute Amendment No. 5 to construction management services Agreement No. 271 with Jacobs to modify the list of Additional Direct Costs eligible for reimbursement shown in Section 1.3 of Exhibit D (Compensation, Invoicing and Payment) of the Agreement. No additional funds are involved. Staff Contact: Ivan Ramirez

2.A.10.2 Authorization to Execute Amendment No. 1 to Agreement No. 327 with BKF Engineers, Inc. for Design Services During Construction.

Staff seeks authorization for the Chair to execute Amendment No. 1 to Agreement No. 327 with BKF in the amount of \$406,575 to provide additional on-call design services during construction and Right-of-Way Engineering services for the State Route 4 Widening Somersville Road to SR 160 Segment 2 Project. Staff Contact: Ivan Ramirez

2.A.11 State Route 4 Widening – Somersville Road to SR 160 – Segment 3A (Project 1407/3001) – Authorization to Execute Amendment No. 1 to Agreement No. 332 with Jacobs Project Management Co. (Jacobs).

Staff is seeking authorization for the Chair to execute Amendment No. 1 to construction management services Agreement No. 332 with Jacobs to modify the list of Additional Direct Costs eligible for reimbursement shown in Section 3.3 of Exhibit D (Compensation, Invoicing and Payment) of the Agreement. No additional funds are involved. Staff Contact: Ivan Ramirez

2.A.12 East Contra Costa Rail Extension (eBART) (Project 2001) – Authorization to Amend Resolution 12-15-P (Rev. 1) with BART.

BART is requesting an augmentation of Measure J funds for Resolution 12-15-P (Rev. 1) in the amount of \$1,500,000 to fund the Rail Procurement Contract (04SF-150).

Resolution 12-15-P (Rev. 2). Staff Contact: Susan Miller

2.A.14 Financial Audit Process for the Fiscal Year Ended June 30, 2013.

The APC received a briefing from the Authority's auditor on the scope, timing and other

considerations related to the annual audit process for the fiscal year end. Staff Contact: Randall Carlton

2.A.15 2014 State Transportation Improvement Program (STIP) Candidate Projects.

Staff will present the Technical Coordinating Committee (TCC) recommendations related to the 2014 STIP. Seven applications totaling \$33.47 million were submitted in response to the Call for Projects issued by the Authority in June.

Resolution 13-41-P. Staff Contact: Amin AbuAmara

2.1 NEW ITEM: Approval of a Fourth Amendment to Employment Agreement with the Executive Director. The Authority has entered into an employment contract with the Executive Director which calls for a performance and compensation review by the Board on an annual basis. The review has been completed and the Chair has requested consideration by the Board of the attached contract amendment related to the compensation of the Executive Director. Staff Contact: Randell H. Iwasaki

2.B.1. Approval of the Town of Moraga's Calendar Years (CY)s 2010 & 2011 Growth Management Program (GMP) Compliance Checklist. The Town of Moraga has submitted its Calendar Years 2010 & 2011 GMP Checklist. An allocation of \$265,243 in 18 percent Local Street Maintenance and Improvement (LSM) funds will be paid out for FY 2011-12 subject to the Authority making a findings of compliance with the Measure J GMP. Staff Contact: Martin Engelmann

2.B.2 Approval of the Town of Danville's Calendar Years (CY)s 2010 & 2011 Growth Management Program (GMP) Compliance Checklist. The Town of Danville has submitted its Calendar Years 2010 & 2011 GMP Checklist. An allocation of \$536,747 in 18 percent Local Street Maintenance and Improvement (LSM) funds will be paid out for FY 2011-12 subject to the Authority making a findings of compliance with the Measure J GMP. Staff Contact: Martin Engelmann

2.B.3 Approval of FY 2013-14 Measure J Allocation for the West County Additional Transportation Services for Seniors and People with Disabilities Program (Sub-Regional Program 20b). The Measure J Expenditure Plan establishes the West County Additional Transportation Services for Seniors and People with Disabilities program (Program 20b) at .65 percent of sales tax revenues. As a sub-regional program the funds are programmed by WCCTAC. At its May 31, 2013 meeting WCCTAC took action on programming the funds to paratransit service providers in West County. **Resolution 13-44-G.** Staff Contact: Peter Engel

- 2.B.4 Approval of FY 2013-14 Measure J Allocation for the West County Additional Bus Service Enhancements Program (Sub-Regional Program 19b).** The 2011 Measure J Strategic Plan establishes the West County Additional Bus Service Enhancements Program (Program 19b) at 2.16 percent of sales tax revenues. As a sub-regional program the funds are programmed by WCCTAC. At its June 3, 2013 meeting WCCTAC took action to program the funds to AC Transit and WestCAT. **Resolution 13-45-G.** Staff Contact: Peter Engel
- 2.B.5 Cooperative Agreement with the City of Martinez to Use Transportation Fund for Clean Air (TFCA) grant to Complete San Francisco Bay Trail Phase 2 Project.** Approval would authorize the Executive Director to sign a cooperative agreement on behalf of the Authority to provide an amount not to exceed \$87,508 in previously approved TFCA funds to the City of Martinez to partially fund the completion of the San Francisco Bay Trail Phase 2 project. Staff Contact: Peter Engel
- 2.B.6 Revision of Resolution 12-48-G (Martinez to Crockett Segment: SF Bay Trail).** In July 2012, the Authority approved Resolution 12-48-G which appropriated \$1 million in Measure J Program 13 (Pedestrian, Bicycle and Trail Facilities) funds for the reconstruction and repair of a portion of the Martinez to Crockett segment of the San Francisco Bay Trail. These funds were allocated solely for the construction phase. The sponsor of the project, the East Bay Regional Parks District, had intended to use only federal funds for construction engineering. Because the construction bid came in lower than expected, the cost of construction engineering now exceeds 20 percent of the total project cost. Under Caltrans rules, federal funds used for construction engineering can be no more than 15 percent of total project cost. The Parks District is asking the Authority to revise Resolution 12-48-G to use up to \$550,000 in Measure J Program 13 funds for construction engineering and the remaining funds for construction. **Resolution 12-48-G, Rev 1.** Staff Contact: Brad Beck
- 2.B.8 Approval of Amendment No. 2 to Agreement No. 312 with Economic & Planning Systems, Inc. for Continued Technical Support for the Sustainable Communities Strategy and Other Related Authority Efforts.** Staff recommends that the Authority approve an amendment in the amount of \$150,000 for a total contract value of \$450,000. The amendment is necessary to provide additional consultant resources related to the ongoing Sustainable Communities Strategy (SCS) -related efforts, including updating the Countywide Model with adopted SCS land use and assistance with implementation of the PDA Growth and Investment Strategy and OBAG Planning Grants. Staff Contact: Matt Kelly

2.B.9 Approval of Amendment No. 2 to Agreement No. 278 with Kittelson Associates, Inc./Dowling to Incorporate Projections 2013 (“Plan Bay Area”) Land Use into the Countywide Travel Demand Model. Staff recommends that the Authority approve an amendment in the amount of \$100,000 for a total contract value of \$1,100,000. The amendment is necessary to account for additional staff time and outreach to local jurisdictions involved with updating the new land use data set developed by ABAG as part of the 2013 Regional Transportation Plan (RTP) process. Staff Contact: Matt Kelly

2.B.10 Approval to Enter into a Cooperative Agreement with Caltrans for the Preparation of Project Initiation Documents (PID) for the SR 239 Corridor. Working in partnership with Caltrans, the Authority wishes to proceed with the preparation of a Project Study Report (PSR) for State Route (SR) 239 between Brentwood and Tracy. The PSR will be prepared by Parsons Transportation Group (PTG) under an existing agreement that was transferred from Contra Costa County to the Authority in January 2012. Caltrans requires reimbursement for labor costs involved with reviewing and commenting on Project Initiation Documents (PID) that are prepared through a private consultant. The cooperative agreement enables payment from the Authority to Caltrans in an amount not to exceed \$240,000 for guidance and oversight of the PSR. Funds for this effort will be reimbursed by Contra Costa County through a \$14 million federal earmark. Staff seeks approval to enter into the Cooperative Agreement. **Coop Agreement No. 90.17.01** Staff Contact: Martin Engelmann

2.B.11 SB 375/SCS Implementation Update. A number of lawsuits have been filed against MTC and ABAG in response to adoption of the *2013 Regional Transportation Plan*, also known as Plan Bay Area. The lawsuits, if not summarily dismissed, could delay the implementation of Plan Bay Area. Staff Contact: Martin Engelmann

End of Consent Calendar

3.0 MAJOR DISCUSSION ITEMS: *None*

4.0 REGULAR AGENDA ITEMS:

4.A Administration & Projects Committee:

Representative de Vera arrived at 6:22 p.m.

4.A.6 Caldecott Fourth Bore Project Update (Project 1698/1001). Staff reported at the July 17, 2013 Authority meeting that the Construction and Construction Support budget for the project is \$336.4 million. This is after the California

Transportation Commission (CTC) removed \$16.6 million in State-controlled funds from the original budget. The estimated cost for Construction and Construction Support could be as much as approximately \$343 million, leaving a shortfall of up to \$6.6 million. Since this date, the State has increased its funding by \$2.8 million to increase the budget to \$339.2 million. Staff also reported that the best estimate for the opening date of the new Caldecott Fourth Bore is late October 2013, however, risks exist which could make the opening later and increase costs over that reported at the July 2013 meeting. As reported in July, the estimated final cost is below the original budget and the schedule is within the target date of "Fall 2013". Staff will update the Authority at its September 18, 2013 meeting on any changes in the estimated final cost and schedule, and on staff's ongoing efforts to secure State funding. To provide the Authority with the most current information, the Staff Report will be provided after the regular agenda mail-out. Staff Contact: Ross Chittenden

ACTION: No Action Taken – Information Only

DISCUSSION: Ross Chittenden, Deputy Executive Director for Projects, and Linsey Willis, Director of External Affairs, gave a PowerPoint presentation on the Caldecott Fourth Bore Project budget, schedule, and ribbon-cutting event.

Budget

Mr. Chittenden stated that the original construction budget of \$336.4 million included both construction and construction support, after de-allocation by the California Transportation Commission (CTC) of \$16.6 million. He said that since staff's last report to the Authority in July, revised costs to complete the project are estimated at between \$334.4 million and \$339.9 million, representing \$2.7 million of exposure based upon the worst case scenario. He noted that included in the budget was \$4.7 million held in reserve by the Authority, and \$5.425 million of RM2 funding held in reserve by MTC. Mr. Chittenden emphasized that total costs to complete the project were still below the original construction budget. He noted that the construction budget was increased by \$2.7 million of additional American Recovery and Reinvestment Act (ARRA) funding which was allocated by the CTC and could now fund Caltrans support staff cost overrun projections.

Commissioner Arnerich objected to the format of the budget update, stating that he would prefer a chart. He noted that the original budget of \$353 million and construction budget of \$336.4 million were not reflected in staff's presentation.

Schedule

The presentation included a listing of remaining tasks and their estimated completion timeframes, including the following: completion of tunnel systems; functional/integration testing; fire/SCADA/TOS Testing; hands-on operator training; emergency responder drills. The Caldecott Fourth Bore is estimated to be open to traffic late 2013, likely late October or early - mid November.

Representative Worth asked staff to elaborate on the safety upgrades slated for the third bore, and future plans for the first and second bores. Mr. Chittenden responded that there were seven (7) cross passages between bores three and four that would allow foot traffic to move between the tunnels in case of an emergency, and both tunnels would be equipped with a public address system, directional signs, and a radio system capable of taking over a vehicle's radio to broadcast emergency information. He stated that there were improvements to the water supply in the first and second bores being done under the Caldecott Fourth Bore construction contract but funded by other sources, but no specific plans for other improvements.

Steve Whipple, Caltrans Construction, stated that Caltrans District 4 Director Bijan Sartipi had directed Caltrans Operations and Maintenance Department to begin looking at what could be done make safety improvements to bores one and two.

Commissioner Mitchoff said that it was very important to ensure that Contra Costa's federal and state legislators were available for the ribbon-cutting event, and suggested that staff coordinate with them as early as possible.

Project Completion/Ribbon-Cutting Event

Linsey Willis, Director of External Affairs, reported that a date for the Caldecott Fourth Bore ribbon-cutting event had not yet been set, but because the opening timeframe had been narrowed down staff could begin coordinating with legislative representatives on the event. Ms. Willis noted that the event would be a modest one, with a limited guest list of approximately 200 due to space restrictions and to prevent interruption to work that would still be underway in the area. She said that staff would be working with the Authority's partners to develop a speaker list and engaging the media in telling the story of this momentous project.

Commissioner Mitchoff requested that staff avoid scheduling the ribbon-cutting event for a Tuesday, due to County Board of Supervisors meetings. Ms. Willis responded that the event would likely be held on a weekend.

Commissioner Abelson welcomed Ms. Willis to the Authority and said that she's already had the pleasure to work with her on a few events.

Alternate Representative Murray said that Ms. Willis had previously worked for BART, and that they were extremely disappointed to see her leave.

The presentation was distributed as a meeting handout.

4.A.13 Legislation. The Authority may take action on any item presented in this report or any state or federal legislation pertaining to the Authority's legislative program. The report includes a summary and status of key transportation-related bills in Sacramento. Mark Watts of Smith Watts & Martinez LLC will provide an update on developments in state policy, legislation and finance. Staff Contact: Linsey Willis

ACTION: None taken – information only.

DISCUSSION: Linsey Willis, Director of External Affairs, introduced Mark Watts, from Smith Watts & Martinez LLC, the Authority's State lobbyist, who provided a report on activities in Sacramento over the preceding few weeks. He noted that the legislature was in recess until January.

SB 594 (Hill) – Use of Public Resources

Mr. Watts reported that while the APC supported opposing SB 594 (Hill) regarding the use of public resources, staff learned from the League of California Cities and California State Association of Counties (CSAC) that a compromise had been reached and therefore did not recommend moving forward with a letter of opposition.

AB 857 (Fong) – Initiative: Petition Circulators

Mr. Watts stated that AB 857, which sets a requirement on petition gatherers, could affect how entities move forward with political action programs at the local level.

AB 401 (Daly) – Transportation: Design-Build: Streets and Highways

Mr. Watts stated that AB 401 would provide specific design-build authority to the Orange County Transportation Authority for Interstate 405, a major billion dollar project that is expected to go to construction in the upcoming year. He explained that the Senate Transportation Committee determined that the way the bill was drafted was possibly unconstitutional, and therefore the Committee put a stop to the legislation. Mr. Watts said that the bill was later amended to address a resolution of the constitutional concerns in exchange for a significantly

expanded bill that would allow self-help counties and other regional agencies broad design-build authority for ten years, and grant Caltrans up to 10 projects to be produced under design-build. He noted also that there was some remaining controversy related to the requirement that construction inspection be performed by the State, and that staff would later report on the Governor's action on AB 401.

SB 1 (Steinberg) – Sustainable Communities Investment Authority

Mr. Watts stated that SB 1 was intended by the author as a local funding replacement for Redevelopment Agencies, which had been eliminated. He said that the bill was inactive and would return for discussion by the legislature next year.

SB 743 (Steinberg) – Environmental Quality: Transit Oriented Infill Projects

Mr. Watts also noted that elements of SB 731 (Steinberg) were incorporated into SB 743 (Steinberg), particularly establishing levels of service, and that the new language treats CEQA assessment of traffic impacts using level of service but broadens it to allow other traffic metrics to be put into guidelines by the Office of Planning and Research. He said that SB 743 was very complex legislation and that staff would later provide a comprehensive report on the bill.

SB 486 (DeSaulnier) – Office of Strategic Assessment and Accountability

Mr. Watts stated that SB 486 was intended to improve the transparency and public confidence of Caltrans through regular performance reporting and was modeled after a highly successful program in Washington State. He said that the bill was ordered to the inactive file and would likely re-emerge next year with performance metrics imposed on Caltrans and significant reporting requirements.

AB 1222 (Bloom) – Public Employees' Retirement: Collective Bargaining: Transit Workers: Transportation

Mr. Watts reported on a surprising development regarding AB 1222, concerning the Department of Labor withholding or not certifying transit grants in California because of the impact on transit union employees. He said that a significant number of grants were threatened with de-certification by the US Department of Labor (USDOL), and that the Governor's office, in conjunction with several transit agencies, came up with a solution that would exempt from the California Public Employees' Pension Reform Act (PEPRA) transit agency employees for 15 months, beginning on October 1st, thereby allowing the USDOL to continue the grants in California. He noted also that there was a pending lawsuit against USDOL to determine whether PEPRA had been interpreted incorrectly, and that

there was approximately \$30 million appropriated to backfill for entities that were de-certified.

Commissioner Mitchoff commented that she serves on the County Retirement Board and that there was a consolidated action with the Attorney General involving the County labor force. She said that she would like to see the issue resolved within 15 months, however expected that it would ultimately be resolved at the federal level.

Mr. Watts said that legislation related to a reduction of the voter threshold was retained in Appropriations and would likely be revisited in 2014. He noted that one of the bills that applies to transportation and would reduce the voter threshold to 55 percent was amended to place state policy into local sales tax measures, requiring that 50 percent of new revenues under the 55 percent rule would have to be spent on programs or projects that support the Metropolitan Planning Organization's (MPO's) Sustainable Communities Strategy. Additionally, he said that there was concern that self-help counties were adding inventory to the State highway system and that there was no provision for maintenance. Mr. Watts suggested that the Authority and the self-help counties address the issue.

Commissioner Glover stated that an amendment was necessary. He said that self-help counties had already taken on the State's responsibilities, and should not be subject to State legislation directing what they do with their money.

Commissioner Pierce agreed with *Commissioner Glover*, and said that the issue could be discussed at the upcoming 2013 Focus on the Future and California Council of Governments (CalCOG) conferences, both being held in November.

Mr. Watts said that he worked closely with Ms. Willis prior to the Governor's approval of AB 210 (Wieckowski) regarding transactions and use taxes for Contra Costa and Alameda County. He said that the bill, which was approved by the Governor in late August, allows both counties to exceed the 2 percent cap, if desired, and that he appreciated Ms. Willis' work to update the Board.

Representative Murray added that earlier in the day the Capitol Corridor Board reviewed the provisions of SCA 4 (Liu) –Local Government Transportation Projects: Special Taxes: Voter Approval and considered taking an oppose position, yet decided against it.

4.A.16 State Route 4/State Route 160 Connector Ramps (Project 5001).

4.A.16.1 Authorization to Execute Cooperative Agreement 04-2495 with the California Department of Transportation (Caltrans) to Perform Oversight of the Construction Project. Staff seeks authorization for the Chair to execute a revised Cooperative Agreement 04-2495 with Caltrans to specify roles and responsibilities during construction and to reimburse Caltrans for its cost of project oversight. The Authority will advertise, award and administer the construction project with Caltrans oversight. The Authority approved an earlier version of Cooperative Agreement 04-2495 at its July 17, 2013 meeting; however, that version did not include a requirement to reimburse Caltrans for oversight costs. Staff Contact: Jack Hall

ACTION: Alternate Tatzin moved to take no action and continue discussion of the Cooperative Agreement with Caltrans to the October Authority Board Meeting, seconded by Commissioner Glover. The motion passed unanimously, 10-0.

DISCUSSION: Jack Hall, Associate Engineer, stated that Items 4.A.16.1 and 4.A.16.2 related to the Highway 160 to Highway 4 Connector project which CCTA would be advertising, awarding, and administering. He thanked TRANSPLAN, ECCRFFA, and the State Route 4 Bypass Authority for allowing CCTA to deliver and construct the project.

Mr. Hall stated that CCTA was in the process of constructing the Sand Creek Road Interchange and working on design for the Balfour Road Interchange and the Mokelumne Trail Bike/Pedestrian Overcrossing. He noted that \$50 million dollars in Bridge Toll funds received for the project would make completion of the interchange possible.

Ross Chittenden, Deputy Executive Director for Projects, said that the agenda packet included a Caltrans-provided cooperative agreement which was approved by the Authority in July but not yet executed by Caltrans, as well as a revision which the Authority had been asked to execute that included a provision for Caltrans reimbursement for oversight (independent quality assurance). He explained that oversight was traditionally done at the State's expense, however because the project was funded by bridge tolls, Caltrans was seeking reimbursement for oversight costs as it does per the terms of its agreement with the Bay Area Toll Authority (BATA).

Mr. Chittenden stated that staff did not agree with reimbursement of Caltrans for project oversight for this locally funded project, and had escalated the issue to Caltrans headquarters for a decision which was pending from the Director of Caltrans. Therefore, he said that staff recommended that no action be taken on the cooperative agreement with Caltrans. Mr. Chittenden said that staff was hopeful that the agreement approved by the Authority in July would stand, but would return to the Authority in October if necessary. He noted also that the pending matter was not causing any delay to the project.

Commissioner Arnerich noted that Caltrans did not have any legislative authority to require reimbursement by CCTA for project oversight costs. A brief discussion ensued.

4.A.16.2 Approval of the Plans, Specifications, and Estimate (PS&E) for Construction, and Authorization for the Executive Director to Advertise for Bids. Staff seeks approval of the PS&E pursuant to Government Code Section 830.6, and authorization to advertise for and open construction bids. Resolution 13-40-P. Staff Contact: Jack Hall

ACTION: *Commissioner Mitchoff* moved to approve Resolution 13-40-P, seconded by *Commissioner Romick*. The motion passed unanimously, 10-0.

DISCUSSION: Jack Hall stated that Agenda Item 4.A.16.2 related to approval of the Plans, Specifications, and Estimate, necessary to provide the Authority design immunity. He explained that under Government Code 830.6, by approving the plans the Authority would have complete immunity against any type of claim arising out of a road design defect. He stated that Authority adoption of Resolution 13-40-P would approve the design, authorize the Executive Director to advertise the project, issue addenda, and open bids.

Commissioner Mitchoff asked whether PS&E approval actually prevented lawsuits. Mr. Chittenden responded that the engineer of record would actually be protected, providing there was no fraudulent or malicious conduct.

Commissioner Arnerich asked for clarification of the budget. Mr. Hall responded that of the \$50.35 million budget, ECCRFFA had programmed \$3.6 million. He noted that the overall budget included all project costs including design and construction management, and that the engineer's

estimate was \$38.9 million inclusive of bid items, supplemental work, government-furnished materials and a 5 percent contingency.

4.B Planning Committee

4.B.7 Allocation of Additional Funding for the Real-Time Ridesharing Pilot Program made Available through MTC's Climate Initiatives Grant Program.

4.B.7.1 Approval of Amendment No. 2 to the Three-County Cooperative Agreement for Continued Implementation of the Regional Dynamic Rideshare Pilot Program under MTC's Climate Initiatives Grant Program.

An additional \$875,000 in federal funding is available from MTC for continued implementation of a pilot program to explore the potential for using smartphones to connect drivers with riders and create instant carpools. Contra Costa's share would be an additional \$350,000 available for consultant support to expand the Real-Time Ridesharing pilot program currently underway. Staff Contact: Martin Engelmann

ACTION: Commissioner Pierce moved to approve Amendment No. 2 to Cooperative Agreement No. 18.CO.01, seconded by Commissioner Glover. The motion passed unanimously, 10-0.

DISCUSSION: Martin Engelmann, Deputy Executive Director for Planning, introduced Paul Steinberg, Director of Americas for Avego Corporation. Mr. Engelmann said that because a major project sponsor in San Francisco was unable to expend its funds in a timely manner, there was additional money available for allocation by MTC through its Climate Initiatives Grant Program. He thanked *Representative Worth* and *Commissioner Glover*, both MTC Board members, for MTC's approval of an additional \$875,000 for continued implementation of the three-county Real-time Ridesharing pilot program currently underway.

Mr. Engelmann briefly described the program, and stated that the additional \$875,000 would increase the funding amount from \$1.5 million to \$2.375 million, keep most of the terms and conditions intact, and extend the schedule to allow for expenditure of the additional funds.

4.B.7.2 Approval of Amendment No. 1 to Agreement No. 347 with Avego Corporation for Continued Services as Software Vendor for the Real-Time Ridesharing (RTR) Pilot Program. Staff recommends approval of this amendment, which would add \$300,000 to Avego's existing agreement, for a new total agreement value of \$550,000, including extra

work. This amendment would also consolidate the public outreach component of the pilot program into Avego's contract by adding Circle Point as subconsultant. Staff Contact: Martin Engelmann

ACTION: Commissioner Arnerich moved to authorize the Chair to execute Amendment No. 1 to Agreement No. 347 with Avego Corporation and amend the scope of work as required to continue deployment of the Real-time Ridesharing Pilot Program, seconded by Commissioner Hudson. The motion passed unanimously, 10-0.

DISCUSSION: Martin Engelmann said that approval of Amendment 1 to Agreement No. 347 with Avego Corporation would increase the total compensation by \$300,000 and amend the scope to reflect changes in tasks and activities as required to continue deployment of the Real-time Ridesharing Pilot Program at Contra Costa Centre and open up a new program at Bishop Ranch. He noted also that there was a third BART-oriented program planned which could be used in the case of another potential BART strike.

Paul Steinberg gave a PowerPoint presentation on Carma, (formerly Avego), the software developed by Avego for Real-time ridesharing services using smartphone technology. The presentation included an overview on building carpool communities and maximizing opportunities. He said that the re-branding was an attempt to emphasize a basic premise of Carma's dynamic carpooling program, and to distinguish it from vendors that operate under the California Public Utilities Commission (CPUC). Mr. Steinberg noted that Carma had heard from CPUC officials that its real-time ridesharing program would not be impacted by their anticipated ruling on the newer category of transportation network companies, and was protected by exclusions and Department of Motor Vehicles legislation. Mr. Steinberg stated that Carma had requested that the CPUC be very clear in its ruling, and was also seeking clarification.

Mr. Steinberg spoke about the success of "on-boarding" which was done at Contra Costa Centre before and during the BART strike in August, and discussed plans for expansion in the face of another possible BART strike. He reported that there had been no safety incidents to date, and that there had been an increasing demand from City officials in surrounding counties to bring the program to their communities. Mr. Steinberg said that there were many more riders than drivers, and briefly discussed

upcoming changes and events could have an impact upon human behavior and Carma's plans to capitalize on those events.

Mr. Steinberg said that Carma had received a good deal of positive media attention due in part to its innovative, proactive solution, and thanked Executive Director Iwasaki, Peter Engel, CCTA's Program Manager, Lynette Tanner-Busby from Contra Costa Centre, and Lynne Overcashier from 511 Contra Costa for their assistance.

Representative Worth asked whether Carma had any infrastructure changes in response to the increased demand. Mr. Steinberg responded that there was a 90 minute "down-time" involving its message provider which occurred at a time of peak activity during the BART strike, but had since increased the capacity of its own and third-party servers to address the issue.

Alternate Harper asked if there was a vetting process in place to ensure the safety of program participants. Mr. Steinberg responded that because the drivers were not receiving a profit, under MAP-21 legislation drivers and riders were not required to have any special insurance. He said that the software allowed participants to pre-screen their potential carpoolers, and included a rating mechanism allowing users to rate their experience with individual carpoolers.

Commissioner Arnerich suggested that the system be tested to confirm its ability to accommodate a significant demand.

Lynn Overcashier, 511 Contra Costa, was asked by *Commissioner Arnerich* to comment on the program. She said that 511 Contra Costa was advertising incentives and was using the CCTA's logo so that it's clear who is behind the program. She noted that ridesharing was evolving and that Carma's technology was very progressive, added a more spontaneous element, and was consistent with efforts to maximize the capacity of existing transportation infrastructure.

Representative (Alternate) Murray asked what Carma was doing to entice more drivers in preparation for a potential increase in demand. Mr. Steinberg responded that Carma was offering awards such as the use of its Tesla for one week, and experimenting with incentives such as bridge toll and parking credits. He noted also that Carma also planned to do some radio advertisement, and was awaiting clarification from MTC as to allowable uses for certain funding.

Representative de Vera asked if the software was integrated with social media. Mr. Steinberg responded that Facebook was not required but could be utilized, but because most carpool communities were geography based, Linked-in might be more helpful. Mr. Engelmann added that staff had been promoting the use of “affinity groups”, and planned to explore ways to incentivize neighbors to collaborate on their commute trips.

The presentation was distributed as a meeting handout.

5.0 CORRESPONDENCE AND COMMUNICATIONS: *None*

6.0 ASSOCIATED COMMITTEE REPORTS:

6.1 Central County (TRANSPAC): The report of September 12, 2013 was distributed as a meeting handout.

6.2 East County (TRANSPLAN):

6.3 Southwest County (SWAT): (Meeting of September 9, 2013 canceled)

6.4 West County (WCCTAC): Report of July 26, 2013

7.0 COMMISSIONER AND STAFF COMMENTS:

7.1 Chair's Comments and Reports

Chair Abelson noted that she attended the Highway 4/Sand Creek Road Interchange Milestone Celebration on August 23rd, and the Hercules Intermodal Transit Center Groundbreaking on September 4th.

Chair Abelson also said that she had the privilege of being the first person to pass through the Caldecott Fourth Bore in her wheelchair.

7.2 Commissioners' Comments and Reports

Alternate Tatzin reported on activities of the San Joaquin Joint Powers Authority (SJIPA), to which he was appointed by the Authority. He said that the SJIPA was created to manage the San Joaquin Intercity passenger rail service which runs between Oakland and Bakersfield (four trips per day), and Sacramento and Bakersfield (two trips per day), with stops in Martinez, Antioch, and Richmond, and possibly Hercules in the future. He noted that the service was operated by Amtrak on both Burlington Northern and Union Pacific Railroad tracks. He reported that total expenditures were approximately \$73 million per year for

existing service, with 55 percent coming from passenger fares and the remainder from State subsidies. *Alternate Tatzin* said that since the SJPA was formed, a Chair and Vice Chair had been elected, and that the San Joaquin Regional Rail Commission would be appointed as managing agency at its upcoming meeting. He said that there was a great need to identify other sources of funding and expand the service, which currently carries over 1 million passengers per year and is rapidly growing. *Alternate Tatzin* noted that the November 27th meeting would be held in Martinez, and invited interested parties to attend.

7.3 Executive Staff Comments

Randy Iwasaki stated that there was an urgent matter that could either be added to the agenda by a vote of the Authority, or could be addressed through the Executive Committee.

ACTION: Pursuant to Government Code Section 54954.2(b)(2) of the Brown Act, the Authority voted to add an item to the agenda, as there was a need to take immediate action and the need for action came to the attention of staff subsequent to the agenda being posted. *Alternate Tatzin* moved to add the urgency item to the agenda under the provisions of Government Code section 54954.2(b)(2), seconded by *Commissioner Glover*. The motion passed unanimously, 10-0.

NEW AGENDA ITEM: Approval of Contract Change Order Authorizing the Construction of an Additional Bridge at Sand Creek Road.

ACTION: *Commissioner Glover* authorized staff to spend up to \$7.5 million to build a second bridge, including all staff costs, seconded by *Alternate Harper*. The motion passed unanimously, 10-0.

DISCUSSION: Ivan Ramirez, Senior Engineer, stated that there was a need to construct a second bridge at Sand Creek, which could be started by the contractor near the end of October and is estimated to cost between \$5.9 million and \$7 million. He said that staff was seeking authorization for a contract change order to allow construction of the second bridge.

Mr. Iwasaki added that Caltrans approved the decision to build one bridge at Sand Creek. Because staff is extending the freeway down through Balfour, Caltrans decided to change the freeway "type", which required either a costly modification totaling approximately \$3 million to widen the newly constructed bridge or build a parallel structure. Therefore, staff worked with ECCRFFA to

identify funding to allow construction of the additional bridge, and had been negotiating with the contractor on options and needed direction.

Commissioner Arnerich and asked for more information on the total cost including design, project oversight, and contingency, as well as detail on the funding sources.

Ross Chittenden, Executive Director for Projects, explained that because staff was in the process of negotiating with the contractor, more specific cost information was not yet available. Mr. Chittenden stated that ECCRFFA would be funding the design component, and that the design contract was being reviewed by the SR4 Bypass Authority. He added that once the full cost is determined, a 5 percent contingency would be added.

Amin AbuAmara, Senior Engineer, stated that in addition to the construction and construction contingency costs, design services during construction and construction management costs, which were discussed by the Authority in July, increased the budget by \$775,000. Additionally, staff costs estimated at between \$50,000 and \$100,000 would bring the revised budget increase to approximately \$850,000. Mr. AbuAmara also briefly outlined the funding available for the additional Sand Creek bridge.

8.0 CALENDAR

8.1 October/November/December 2013

8.2 Calendar of Upcoming Events

8.3 Focus on the Future Conference

9.0 CLOSED SESSION: Conference with Legal Counsel – Anticipated Litigation. (*Closed Session to be held in the Diablo Conference Room, Suite 100.*)
Significant exposure to litigation pursuant to Government Code Section 54956.9(b) (1 case)

The Authority adjourned to Closed Session at 8:05 p.m.

10.0 RECONVENE IN OPEN SESSION – Report on Action Taken is Closed Session

The Authority reconvened in Open Session, and there was no action taken during closed session to report.

11.0 ADJOURNMENT to Wednesday, October 16, 2013, at 6:00 p.m.

The meeting was adjourned at 8:34 p.m. to October 16, 2013, at 6:00 p.m., in memory of Sundaram Subramanian, Mala Subramanian's father.